

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

4,250 PUERTO RICAN LOTTERY TICKETS
(redeemed at \$17,725.00 in U.S. currency),

Defendant.

CIVIL NO. 18-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico and Héctor E. Ramírez-Carbo, Assistant United States Attorney, Chief Civil Division, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action in rem brought to enforce the provisions of Title 19, United States Code, Sections 1305.

DEFENDANT IN REM

2. The defendant property seized by an officer of the United States Customs and Border Protection (“CBP”), consists of: 4,250 PUERTO RICAN LOTTERY TICKETS

subsequently redeemed by the United States Customs and Border Protection for the total amount of \$17,725.00 IN U.S. CURRENCY.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 19, United States Code, Section 1305.
4. This Court has in rem jurisdiction over the defendant property pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant property is found in this district).
5. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant property is found in this district).

BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of Title 19, United States Code, Section 1305 (Immoral articles; importation prohibited.”).

FACTS

7. The facts and circumstances supporting the seizure and forfeiture of the defendant property are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the Immigration and Customs Enforcement-Homeland Security Investigations (“ICE-HSI”), Special Agent, Luis Vélez attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant property condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 19th day of June, 2018.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney


Héctor E. Ramírez-Carbo

Héctor E. Ramírez-Carbo

Assistant U.S. Attorney

Chief Civil Division

USDC-PR-NO. 214902

UNITED STATES ATTORNEY'S OFFICE

Torre Chardón, Suite 1201

350 Carlos Chardón Street

San Juan, Puerto Rico 00918

Phone Number: (787)766-5656

Hector.E.Ramirez@usdoj.gov

VERIFIED DECLARATION

I, Héctor E. Ramírez-Carbo, Assistant U.S. Attorney, Chief Civil Division for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the ICE-HSI; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 19th day of June, 2018.



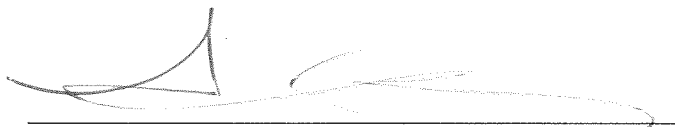
Héctor E. Ramírez-Carbo
Assistant U.S. Attorney
Chief Civil Division

VERIFIED DECLARATION

I, Luis Vélez, Special Agent, ICE-HSI, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 19 day of June, 2018.



Luis Vélez, Special Agent
Immigration and Customs Enforcement-
Homeland Security Investigations ("ICE-HSI")

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

TITLE 28, UNITED STATES CODE §1746

Pursuant to 28 U.S.C. § 1746, I, Luis Vélez, declare under penalty of perjury that the foregoing is true and correct:

PROFESSIONAL BACKGROUND

1. I am employed as a Special Agent with the United States Immigration and Customs Enforcement, Homeland Security Investigations (HSI), a federal law enforcement agency within the of Department of Homeland Security and currently assigned to the HSI San Juan area or responsibility (AOR) in Puerto Rico. I have been employed as a federal agent with said Agency since March 16, 2008. As a Special Agent for HSI, my responsibilities include, inter alia, the conduct of criminal investigations related to alleged violations of Titles 8, 18, 19, 21, and 31 of the United States Code (U.S.C.). I have personally conducted criminal investigations of alleged importing or transporting lottery tickets of Title 18, United States Code 1301, Smuggling goods from the United States, in violation of Title 18, United States Code, Sections 554, and related offenses.

2. I have attended the United States Immigration and Customs Enforcement Special Agent Training (ICESAT), at the Federal Law Enforcement Training Center, in Glynco, Georgia. I have also been formally trained in conducting investigations related to Money Laundering and Bank Secrecy Act violations. Currently, I am assigned to HSI San Juan's Operation Wave Runner Group. This group is within the HSI San Juan Office AOR and its mission, which is to investigate, disrupt and dismantle individuals, organizations and/or entities exploiting vulnerabilities that pose a threat to the U.S. economy as well as the public's health and safety, by focusing their investigative efforts in the areas of commercial trade and violations of intellectual property rights, i.e. Anti-

Dumping & Countervailing; Commercial Enforcement Analysis & Response; Environmental Crimes; Inbond Diversion; Transshipment of Commercial Goods; Trade Agreements (NAFTA); Cultural Property and General Smuggling. I have also been trained in matters related to the conduct of financial investigations of natural persons and business entities involved in money laundering activity, including violations of 18 U.S.C. Sections 1956 (Laundering of Monetary Instruments), and 1957 (Engaging in Monetary Transactions in Property Derived from SUA). I have also received formal, Agency-sponsored instruction pertaining to financial investigations and related matters. The statements contained in this declaration are based on my personal knowledge and information provided to me in my official capacity.

ITEM TO BE FORFEITED

3. Four Thousand Two Hundred and Fifty (4,250) pieces of Puerto Rico traditional lottery tickets, and subsequently redeemed by US Customs and Border Protection for the total amount of \$17,725.00.

FACTS

4. On January 26, 2018, at approximately 1145 hours, Younmarie FELICIANO-Toledo, a Puerto Rico resident, presented herself to the US Customs and Border Protection (CBP), at the Luis Muñoz Marín International Airport (LMMIA), located in Carolina, Puerto Rico. FELICIANO-Toledo traveled non-stop from St. Thomas, US Virgin Islands to San Juan, Puerto Rico onboard Air Sunshine Airlines flight number: 207, with a scheduled arrival time of 1130 hours.

5. FELICIANO-Toledo was referred by CBP Officer M. Rodriguez to the CBP Secondary Inspection Area (SIA) for further examination, due to inconsistencies in the traveler's

declarations about the purpose of trip. Once at the CBP SIA, CBP Officer W. Gross received a binding declaration from the FELICIANO-Toledo.

6. FELICIANO-Toledo stated that she went to St. Thomas, US Virgin Islands for a one (1) day trip to provide relief items to her grandmother due to recent hurricane devastation in the area. Officer Gross, based on his training and experience, noticed that during the interview FELICIANO-Toledo was manifesting signs of nervousness, such as shaky hands, being evasive, avoiding eye contact, etc.

7. During said inspection of FELICIANO-Toledo's luggage, CBP Officer Gross noticed a plastic bag with what appeared to contain linens. The Officer's initial assessment was that the bag was unusually heavy and further inspection of the plastic bag revealed that within the stacks of linens, an concealed envelope was found containing an undetermined amount of Puerto Rico traditional lottery tickets and money order receipts were found.

8. Federal law provides that transporting or sending or attempting to transport or send lottery tickets from the U.S. Virgin Islands to Puerto Rico is tantamount to importing the lottery tickets from a foreign country.

9. The 4,250 Puerto Rican lottery tickets were subsequently determined to be winning tickets and in order to appropriately protect the value of the property seized, CBP had to redeem the Puerto Rican lottery ticket for a total monetary value of \$17,725.00.

10. Based on my training and experience, participation in other investigations, and the facts as set forth in this declaration, there is probable cause to believe that the 4,250 Puerto Rican lottery tickets were being imported from the U.S. Virgin Islands to Puerto Rico in violation of 19 U.S.C. § 1305 (Immoral articles; importation prohibited mentioned), and are therefore subject to

forfeiture in accordance with 19 U.S.C. § 1305(b).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2018.

A handwritten signature in black ink, appearing to read 'Luis Vélez', is written over a horizontal line.

Luis Vélez, Special Agent
U.S. Department of Homeland Security

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Héctor E. Ramírez-Carbó AUSA, 350 Carlos Chardon Ave, Suite
1201, Hato Rey, PR 00918

DEFENDANTS

US v. 4,250 PUERTO RICAN LOTTERY TICKETS
(redeemed at \$17,725.00 in U.S. currency),

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

Title 19 U.S.C. Section 1305.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

s/Héctor E. Ramírez-Carbó

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court *for the* District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

US v. 4,250 PUERTO RICAN LOTTERY TICKETS (redeemed at \$17,725.00 in U.S. currency),

2. Category in which case belongs: (See Local Rules)

☒ X

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ X NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ X NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ X NO

(Please Print)

USDC ATTORNEY'S ID NO.

214902

ATTORNEY'S NAME:

HECTOR E. RAMIREZ-CARBO

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

HATO REY PR

ZIP CODE

00918

TELEPHONE NO.

787-766-5656